

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARK DEWAYNE HOLLINS,

Plaintiff,

v.

C/O GITZELLE and MARDELL PETRAS,

Defendants.

ORDER

08-cv-377-slc

Plaintiff Mark Dewayne Hollins has asked for the second time for court intervention to prevent prison officials from retaliating against him for his having filed this lawsuit (Dkt. #13). As I told plaintiff in an order entered in this case on August 20, 2008, any claim he may have that defendants or other persons are retaliating against him for filing this lawsuit must be raised in a lawsuit separate from this one. There is only one exception to this rule. If a prison official were to physically prevent an inmate from prosecuting his suit, the court would exercise its inherent authority to oversee the conduct of its cases and intervene in the matter. Here, plaintiff says that prison officials are severely limiting his access to the law library, but his inability to go to a law library does not prevent him from writing to the court or defending against the motion currently being briefed. That motion is defendants' motion for summary judgment for plaintiff's failure to exhaust his administrative remedies before bringing this action. If plaintiff has proof that he appealed to the Corrections Complaint Examiner and the Secretary of the Department of Corrections the denial of the grievances he filed with the Institution Complaint Examiner

relating to the claims he raised in this case, he can submit them to the court in accordance with the briefing schedule established on September 25, 2008. Such proof, if there is any, should already be in plaintiff's possession.

ORDER

IT IS ORDERED that plaintiff's second motion for emergency injunctive relief enjoining defendants from retaliating against him for his having filed this lawsuit (Dkt. #13) is DENIED because the matter is not properly raised in the context of this lawsuit.

Entered this 29th day of September, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge